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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/964,883	09/28/2001	John S. Hendricks	026880.00034	2102	
4372 ARENT FOY I	4372 7590 06/22/2007 · ARENT FOX PLLC			EXAMINER	
1050 CONNECTICUT AVENUE, N.W.			LANEAU, RONALD		
SUITE 400 WASHINGTO	TE 400 SHINGTON, DC 20036		ART UNIT	PAPER NUMBER	
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			MAIL DATE	DELIVERY MODE	
			06/22/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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	Application No.	Applicant(s)					
	09/964,883	HENDRICKS, JOHN S.					
Office Action Summary	Examiner	Art Unit					
· .	Ronald Laneau	3714					
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address					
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period versions for the provision of the provision of the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be timused and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).					
Status	•						
1) Responsive to communication(s) filed on <u>03 Ap</u>							
<i>'</i> =	,—						
Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
closed in accordance with the practice under 2	x parte Quayle, 1955 C.D. 11, 45	00 0.0. 210.					
Disposition of Claims							
4) Claim(s) 10-29 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.							
5) Claim(s) is/are allowed.							
	6) Claim(s) 10-29 is/are rejected.						
7) Claim(s) is/are objected to.  8) Claim(s) are subject to restriction and/or	r election requirement.						
o, o.c.,	4						
Application Papers							
9) The specification is objected to by the Examine							
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority documents 2. Certified copies of the priority documents	s have been received.	·					
3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list	of the certified copies not receive	d.					
Attachment(s)							
1) Notice of References Cited (PTO-892)	4) Interview Summary						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08)	Paper No(s)/Mail Da 5) Notice of Informal P						
Paper No(s)/Mail Date	6) Other:						

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## Response to Amendment

1. The amendment filed on 04/03/07 has been entered. Claims 10-29 remain pending.

## Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 10-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the project Chan et al (US 5,054,984) in view of Wick et al (US 5,666,493).

Chan discloses a method for tracking purchases of electronic books including the steps of: storing identifications of a plurality of electronic books for display on a viewer; associating each of the electronic books with a source; providing the electronic books for purchase by subscribers, recording an indication of purchases of the electronic books (col. 7, lines 37-58; see fig. 1; electronic book has been around for a long time as evidenced by Chan who discloses the use of an e-book and it is only obvious to make an online purchase of the e-book when become available). Chan does not disclose associating an amount of each purchase with the source for the corresponding electronic book (fig. 1, 300) but Wick discloses an electronic catalog information and storage that maintains records on purchasing transactions with the request for items, releases those purchase order requests, and notes the receipt of the items, the electronic catalog also notes location by company, division, department, user and approval hierarchy (col. 20, lines 3-13). Furthermore, Wick discloses an electronic catalog that may be updated by

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vendors, including price updates if there is approval for that practice with the vendor (col. 19, lines 62-64), an electronic catalog that work throughout this network to update accounts payable as well as to show when there has been a payment to or by a vendor (col. 20, lines 16-19, fig. 40), Wick discloses a flashpoint software having various files created for the order fulfillment function used by a customer service representative (col. 5, lines 9-12, fig. 3).

From this teaching of Wick, it would have been obvious to one of ordinary skill in the art to utilize the recording of purchase and the amount associated with the purchase as taught by Wick et al into the system of Chan because it would allow the system manager or host to verify the information recorded for inventory purposes by being able to rapidly give details about stock remaining etc.

## Response to Arguments

4. Applicant's arguments filed 04/03/07 have been fully considered but they are not persuasive.

Applicant argues that Chan teaches a system for electronically tracking the physical location of a hard copy book during the binding process through the use of a code such as a bar code rather that a method for tracking purchases of electronic book. Contrary to Applicant's arguments, Chan discloses throughout his disclosure a tracking system for an electronic book which is certainly capable of tracking purchases of said electronic books. Applicant's arguments are not convincing enough to withdraw the rejection over Chan. Applicant argues that the examiner fails to make a prima facie case of obviousness since there is no suggestion or motivation to modify the references or combine reference teachings so as to arrive at the claimed

invention. In response to applicant's arguments, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Claims 10-29 are finally rejected.

## Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on 7:30 - 3:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronald Laneau Primary Examiner Art Unit 3714

RONALD LANEAU PRIMARY EXAMINER

6/21/07

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